

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Sweeney	Team: Squad #8	CCRB Case #: 201402587	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/13/2014 12:31 PM	Location of Incident: 631 Park Place	Precinct: 77	18 Mo. SOL 9/13/2015	EO SOL 9/13/2015	
Date/Time CV Reported Tue, 03/18/2014 2:12 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/18/2014 2:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alejandro Valderrama	23435	953512	PBBN
2. POM Pagiel Clark	28472	953759	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Alejandro Valderrama	Off. Language: On an unknown date and time, at St. Johns Place and Franklin Avenue in Brooklyn, PO Alejandro Valderrama used offensive language with § 87(2)(b) and § 87(2)(b)	
B.POM Alejandro Valderrama	Abuse: On March 13, 2014, at § 87(2)(b) in Brooklyn, PO Alejandro Valderrama stopped § 87(2)(b)	
C.POM Pagiel Clark	Abuse: On March 13, 2014, at § 87(2)(b) in Brooklyn, PO Pagiel Clark stopped § 87(2)(b)	
D.POM Pagiel Clark	Force: On March 13, 2014, at § 87(2)(b) in Brooklyn, PO Pagiel Clark used physical force against § 87(2)(b)	
E.POM Alejandro Valderrama	Force: On March 13, 2014, at § 87(2)(b) in Brooklyn, PO Alejandro Valderrama used physical force against § 87(2)(b)	
F.POM Pagiel Clark	Force: PO Pagiel Clark used a chokehold against § 87(2)(b)	
G.POM Alejandro Valderrama	Abuse: On March 13, 2014, at § 87(2)(b) in Brooklyn and the 77th Precinct stationhouse, PO Alejandro Valderrama did not obtain medical treatment for § 87(2)(b)	
H.POM Pagiel Clark	Abuse: On March 13, 2014, at § 87(2)(b) in Brooklyn, PO Pagiel Clark did not obtain medical treatment for § 87(2)(b)	

Case Summary

On an unknown date, at St. Johns Place and Franklin Avenue in Brooklyn, § 87(2)(b) alleged that PO Valderrama called § 87(2)(b) a “faggot,” and called him and his friend, § 87(2)(b) “pussies” (**Allegation A**).

On March 13, 2014, at approximately 12:31 p.m., at 631 Park Place in Brooklyn, § 87(2)(b) was walking when he was stopped by PO Pagiel Clark and PO Alejandro Valderrama of Patrol Borough Brooklyn North (**Allegations B and C**). While § 87(2)(b) was being handcuffed, PO Clarke allegedly slammed § 87(2)(b) against the black iron waist-high gate of 631 Park Place (**Allegation D**). PO Valderrama allegedly lifted § 87(2)(b) s right leg so that his knee was going toward his chest, and then pushed his leg upward, causing him to fall on his back (**Allegation E**). PO Clarke allegedly placed his right arm around § 87(2)(b) s neck in a headlock and pulled down so that § 87(2)(b) was leaning forward at the waist (**Allegation F**). PO Valderrama allegedly pulled § 87(2)(b) s right leg upward again, repeating the same maneuver from before, but this time, § 87(2)(b) fell forward onto his chest. PO Valderrama allegedly placed his knee on § 87(2)(b) s back and pushed his head on the concrete, resulting in an injury to his left ear (enc. 4H) (subsumed in **Allegation E**).

On the way to the 77th Precinct stationhouse, § 87(2)(b) allegedly asked more than four times for medical attention, and the only response he received was from PO Valderrama, who allegedly sarcastically said, “Yeah, yeah, we’ll let you see them” (**Allegations G and H**). At the stationhouse, § 87(2)(b) allegedly asked PO Valderrama three or more times to see EMS. PO Valderrama allegedly said, “Yeah, yeah, we’re calling them. There’s paperwork we have to do first” (subsumed in **Allegation H**).

§ 87(2)(g)

Mediation and Criminal Histories

- § 87(2)(b) s arrest rendered his case ineligible for mediation (enc. 6E).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Alejandro Valderrama has been a member of the NYPD for two years and has two additional CCRB cases with six total allegations, none of which have been substantiated. In case number 201311852, an improper stop was alleged and exonerated (enc. 2A).
- PO Pagiel Clark has been a member of the NYPD for two years and has one other CCRB allegation that was not substantiated § 87(2)(g) (enc. 2B).

Findings and Recommendations

Allegations not pleaded:

§ 87(2)(g)

Allegation A-Abuse of Authority: On an unknown date and time, at St. Johns Place and Franklin Avenue in Brooklyn, PO Alejandro Valderrama made offensive remarks to § 87(2)(b) and § 87(2)(b)

On an earlier unknown date, at St. Johns Place and Franklin Avenue in Brooklyn, § 87(2)(b) said that PO Valderrama called him a “faggot” and § 87(2)(b) and him “pussies.” § 87(2)(b) did not cooperate with the investigation, but during his phone statement, he said that he was walking with § 87(2)(b) (date, time, and location unknown) and PO Valderrama said, “What the fuck are you two about to do? I’ve got to follow you; I’ve got to babysit you two motherfuckers.” When asked if PO Valderrama said anything else or called them anything else, § 87(2)(b) said that PO Valderrama has called him “a bitch, a bitch-ass little nigger, and all kinds of names.”

PO Valderrama said he did not call § 87(2)(b) a “pussy” or “faggot,” or make any other comment in reference to his gender or sexuality, nor did he hear any other officer do this. PO Clark never witnessed PO Valderrama call § 87(2)(b) or any civilian a “pussy” or “faggot.” PO Valderrama said he had never interacted with § 87(2)(b) before he stopped him on March 13, 2014.

§ 87(2)(g)

Allegation B-Abuse of Authority: On March 13, 2014, at 631 Park Place in Brooklyn, PO Alejandro Valderrama stopped § 87(2)(b)

Allegation C-Abuse of Authority: On March 13, 2014, at 631 Park Place in Brooklyn, PO Pagiel Clark stopped § 87(2)(b)

It is undisputed that PO Valderrama and PO Clark stopped § 87(2)(b) § 87(2)(b) denied spitting on the ground (enc. 4B-4D). Both PO Valderrama and PO Clark testified that they saw § 87(2)(b) spit on the ground, but continued driving because there was traffic behind their patrol car. They drove around the block and planned to return to the location where he saw § 87(2)(b). They stopped him a block away from where they first saw him, and the spitting was the only reason why they stopped him (enc. 6H-6I and 7E-7F).

§ 87(2)(g)

Allegation D-Force: On March 13, 2014, at 631 Park Place in Brooklyn, PO Pagiel Clark used physical force against § 87(2)(b)

§ 87(2)(b) stated that after PO Valderrama put § 87(2)(b)'s right hand behind his back and put a handcuff on his right wrist, PO Clarke slammed § 87(2)(b) against the black iron

time. PO Valderrama did not observe any injuries on § 87(2)(b). During his interview, he viewed the photograph of the scrape to § 87(2)(b)'s left ear. PO Valderrama could not recall ever seeing this injury and did not know how it could have been incurred. PO Clark did not recall § 87(2)(b) being taken to the ground, and he did not know how he sustained the injury to his ear.

§ 87(2)(g)

Allegation F-Force: On March 13, 2014, at 631 Park Place in Brooklyn, PO Pagiel Clark used a chokehold against § 87(2)(b)

§ 87(2)(b) stated that PO Clarke stood on § 87(2)(b)'s left side, placed his right arm around his neck in a headlock and pulled down so that § 87(2)(b) leaned forward at the waist. After he was brought to the ground, § 87(2)(b) said to the officers that he could not breathe and that his chest hurt.

PO Valderrama stated that neither he nor PO Clark made contact with § 87(2)(b)'s neck or placed him in a headlock or restricted his breathing in any way. § 87(2)(b) never complained of being unable to breathe. PO Clark stated that neither he nor PO Valderrama made contact with § 87(2)(b)'s neck or put him in a chokehold to bring him to the ground.

§ 87(2)(g)

Allegation G-Abuse of Authority: On March 13, 2014, at 631 Park Place in Brooklyn, and the 77th Precinct stationhouse, PO Alejandro Valderrama did not obtain medical treatment for § 87(2)(b)

Allegation H-Abuse of Authority: On March 13, 2014, at 631 Park Place in Brooklyn, PO Pagiel Clark did not obtain medical treatment for § 87(2)(b)

Inside the patrol car, § 87(2)(b) said he asked more than four times for medical attention, and PO Valderrama sarcastically said, "Yeah, yeah, we'll let you see them." At the 77th Precinct stationhouse, § 87(2)(b) asked PO Valderrama three or more times to see EMS. PO Valderrama said, "Yeah, yeah, we're calling them. There's paperwork we have to do first."

PO Valderrama stated that § 87(2)(b) did not complain of any injuries either in the patrol car or at any time during the incident. He did not request any medical attention from PO Valderrama, PO Clark or anyone at the stationhouse. PO Valderrama, PO Clark or any officer at the stationhouse never ignored a request made by § 87(2)(b) for medical attention.

PO Clark was not present at the stationhouse when PO Valderrama allegedly denied § 87(2)(b) medical treatment. PO Clark did not recall § 87(2)(b) asking him or PO Valderrama for medical attention at any time, and PO Valderrama never informed him that § 87(2)(b) asked for medical attention. He did not recall § 87(2)(b) complaining of injuries. PO Clark never denied § 87(2)(b)'s request for medical attention, and he did not witness PO Valderrama do this.

§ 87(2)(g)

Pod: 8

Investigator: _____ Erin Sweeney _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date